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10/057,855	01/23/2002	William E. Mazzara JR.	GP-301992	3080

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EXAMINER

PHAN, HUY Q

ART UNIT	PAPER NUMBER
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2685

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DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/057,855

**Applicant(s)**

MAZZARA ET AL.

**Examiner**

Huy Q Phan

**Art Unit**

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) 10 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/23/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. Drawing is objected to because of the following informalities: in figure 1, features 115, 126, 128, 150, 160, 172, 174 and 180 should have descriptive labels.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 11, 12, 14, 17, 18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Wendling (US-6,701,161).

Regarding claim 1, Wendling discloses in figure 2, a method of operating a telematics unit in a mobile vehicle, comprising:

receiving a command signal sent in response to a radio button activation (fig. 2, feature PO and col. 7, lines 44-49);

activating a cellular programming mode (fig. 2, feature E1) in response to the command signal (col. 8, lines 3-7);

receiving a mobile phone identification number sent in response to a radio button activation (fig. 4B, feature F3 and col. 8, lines 33-44; col. 7, lines 11-37); and  
activating an operations mode in response to the received mobile phone identification number (col. 8, lines 33-44; col. 7, lines 11-37).

Regarding claim 4, Wendling discloses a method as recited in the rejection of claim 1, wherein the mobile phone identification number is sent in response to a sequence of radio button depressions (fig. 4B, col. 6, lines 45-57 and col. 7, lines 11-49).

Regarding claim 11, Wendling discloses a method as recited in the rejection of claim 1, further comprising: activating a predetermined function of the operations mode (fig. 2, features E1-E4) in response to a radio button activation (PO).

Regarding claim 12, Wendling discloses in figure 1, a computer usable medium (fig. 1, features SW and A-SW) including a program for operating a telematics unit in a mobile vehicle comprising:

computer program code (col. 4, lines 1-60) to receive a command signal sent in response to a radio button activation (fig. 2, feature PO and col. 7, lines 44-49);

computer program code (col. 4, lines 1-60) to activate a cellular programming mode (fig. 2, feature E1) in response to the command signal (col. 8, lines 3-7);

computer program code (col. 4, lines 1-60) to receive a mobile phone identification number sent in response to a radio button activation (fig. 4B, feature F3 and col. 8, lines 33-44; col. 7, lines 11-37); and

computer program code (col. 4, lines 1-60) to activate an operations mode in response to the received mobile phone identification number (col. 8, lines 33-44; col. 7, lines 11-37).

Regarding claim 14, Wendling discloses a computer usable medium as recited in the rejection of claim 12, wherein the mobile phone identification number is sent in response to a sequence of radio button depressions (fig. 4B, col. 6, lines 45-57 and col. 7, lines 11-49).

Regarding claim 17, Wendling discloses a computer usable medium as recited in the rejection of claim 12, further comprising: computer program code (col. 4, lines 1-60) to activate a predetermined function of the operations mode (fig. 2, features E1-E4) in response to a radio button activation (PO).

Regarding claim 18, Wendling discloses in figure 2, a system for operating a telematics unit in a mobile vehicle comprising:

means for receiving a command signal sent in response to a radio button activation (fig. 2, feature PO and col. 7, lines 44-49);

means for activating a cellular programming mode (fig. 2, feature E1) in response to the command signal (col. 8, lines 3-7);

means for receiving a mobile phone identification number sent in response to a radio button activation (fig. 4B, feature F3 and col. 8, lines 33-44; col. 7, lines 11-37);  
and

means for activating an operations mode in response to the received mobile phone identification number (col. 8, lines 33-44; col. 7, lines 11-37).

Regarding claim 20, Wendling discloses a system as recited in the rejection of claim 18, further comprising: means for activating a predetermined function of the operations mode (fig. 2, features E1-E4) in response to a radio button activation (PO).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wendling.

Regarding claims 5 and 6, Wendling discloses a method as recited in the rejection of claim 4. Wendling does not explicitly show wherein a predetermined radio button is depressed in combination with another predetermined radio button to provide a

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digit of the mobile phone identification number and wherein a predetermined radio button is depressed prior to the depression of another predetermined radio button to provide a digit of the mobile phone identification number. However, the examiner takes official notice that a predetermined button being depressed in combination with another predetermined button to provide a digit and a predetermined button being depressed prior to the depression of another predetermined button to provide a digit are extremely well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Wendling by specifically having wherein a predetermined radio button is depressed in combination with another predetermined radio button to provide a digit of the mobile phone identification number and wherein a predetermined radio button is depressed prior to the depression of another predetermined radio button to provide a digit of the mobile phone identification number for purpose of enhancing the operation of the device by a few basic buttons in order to minimize the size and complication of automotive radio front panel.

6. Claims 2, 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wendling in view of Cumming-Hill et al. (US-6,470,178).

Regarding claims 2 and 13, Wendling discloses a method and a computer usable medium as recited in the rejections of claims 1 and 12 respectively. But, Wendling fails to expressly teach wherein the command signal is sent in response to a depression of a predetermined radio button for a predetermined time period. However in analogous art,

Cumming-Hill et al. teach wherein the command signal is sent in response to a depression of a predetermined radio button for a predetermined time period (fig. 1 and col. 4, lines 63-67). Since, Wendling and Cumming-Hill et al. are related to automotive audio radio; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Wendling by specifically having the command signal being sent in response to a depression of a predetermined radio button for a predetermined time period as taught by Cumming-Hill et al. for purpose of enhancing the operation of the device by a few basic buttons in order to minimize the size and complication of automotive radio front panel.

Regarding claim 3, Wendling and Cumming-Hill et al. disclose a method as recited in the rejection of claim 2. Cumming-Hill et al. further disclose wherein the predetermined button is an eject button (fig. 1 and col. 3, lines 25-35).

7. Claims 7-9, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wendling in view of Nagashima et al. (US-5,537,673).

Regarding claims 7, 16 and 19, Wendling discloses a method, a computer usable medium and a system as recited in the rejections of claims 1, 12 and 18 respectively. But, Wendling does not particularly teach sending a confirmation signal in response to receiving the command signal and activating the cellular programming mode. However in analogous art, Nagashima et al. teach sending a confirmation signal in response to receiving the command signal and activating the cellular programming mode (fig. 1 and



col. 4, lines 35-54). Since, Wendling and Nagashima et al. are related to automotive audio radio integrated with mobile phone; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Wendling by specifically sending a confirmation signal in response to receiving the command signal and activating the cellular programming mode as taught by Nagashima et al. for purpose of alerting the driver the cellular programming mode being activated.

Regarding claim 8, Wendling and Nagashima et al. disclose a method as recited in the rejection of claim 7. Nagashima et al. further disclose wherein the confirmation signal comprises a progression tone (fig. 1 and col. 4, lines 35-54).

Regarding claim 9, Wendling and Nagashima et al. disclose a method as recited in the rejection of claim 7. Wendling and Nagashima et al. do not explicitly show wherein the confirmation signal comprises a digitized voice message. However, the examiner takes official notice that digitized voice message is extremely well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Wendling and Nagashima et al. by specifically having the confirmation signal comprising a digitized voice message for purpose of alerting the driver the cellular programming mode being activated in the most comprehensible technique.

***Allowable Subject Matter***

8. Claims 10 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Ramaswamy et al. (US-5,627,547) disclose a communication system in motor vehicle.
- b) Beckert et al. (US-5,794,146) disclose a vehicle computer system.
- c) Chinigo et al. (US-2003/0014166) disclose a safety system for school bus.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 703-305-9007. The examiner can normally be reached on 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Urban F Edward can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phan, Huy Q

AU: 2685

Date : Jul. 09, 2004

*Quochien B. Vuong* 7/12/04

**QUOCHIE B. VUONG  
PRIMARY EXAMINER**